

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RUBEN ROMERO,

Plaintiff,

-vs-

NO: 1:21-cv-00544-KG-CG

CORE CIVIC INC., et al.,

Defendant.

REMOTE ZOOM DEPOSITION OF CHARLES KEETON

July 20, 2022
9:00 a.m.

PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE, this deposition was:

TAKEN BY: ALYSSA QUIJANO
ATTORNEY FOR PLAINTIFF

REPORTED BY: Jan Gibson, CCR, RPR, CRR
Paul Baca Court Reporters
500 Fourth Street, NW - Suite 105
Albuquerque, New Mexico 87102

<p style="text-align: right;">Page 6</p> <p>1 before you answer so we're not speaking over each 2 other because it makes the record a little 3 confusing, okay? 4 A. Yes. 5 Q. And you had a little bit of an internet 6 connection issue when you first joined. You froze 7 on my end. I don't know if it was my internet or 8 yours, but if that happens again, if I freeze on 9 your end, my audio cuts out, wave me down. I will 10 do the same. We want to make sure that we're not 11 talking when no one can hear us, okay? 12 A. Yes. 13 Q. And then your lawyer from time to time or 14 Mr. Jahner may object. You're also an expert for 15 Mr. Jahner. He may object to the questions I ask, 16 either to the form or foundation for the questions. 17 Those are for the record. They aren't meant to stop 18 you from answering or influence your testimony, so 19 I'll ask you to answer my question unless your 20 lawyer explicitly tells you not to answer, okay? 21 A. Yes. 22 MR. JAHNER: Ms. Quijano, speaking of that 23 and just to keep things moving, are you comfortable 24 with any objection that is interposed by Mr. Lee 25 also applying to me?</p>	<p style="text-align: right;">Page 8</p> <p>1 Chandler, Arizona. It was in person. 2 Q. This is when you were warden of that 3 facility? 4 A. Yes. It would have been, gosh, 2014 5 somewhere, '15 somewhere, somewhere in that time 6 frame. 7 Q. Okay. And were you named as a defendant 8 in that lawsuit or were you only a fact witness? 9 A. I was not named. I was only a witness. 10 Q. And you didn't testify as an expert in 11 that case? 12 A. I did not. 13 Q. Have you ever testified as an expert 14 witness before? 15 A. No. 16 Q. So I'm going to ask, but it seems obvious, 17 so you've never been qualified as an expert in 18 court? 19 A. No. 20 Q. What, if anything, have you reviewed in 21 preparation for your deposition today? 22 A. I reviewed a file furnished to me by our 23 attorney, by Mr. Lee. That included the 24 classification records for Mr. Romero, 25 classification records for the other inmates</p>
<p style="text-align: right;">Page 7</p> <p>1 MS. QUIJANO: Yeah, that's fine, Mike. 2 MR. LEE: And vice versa, just so that 3 we're not both needing to object. 4 MR. JAHNER: Thank you. 5 MS. QUIJANO: Fine. 6 MR. LEE: You read my mind, Mike. 7 Q. (By Ms. Quijano) And I do expect this will 8 take some time today. I will try to give you a 9 break every hour. Every hour we will take about a 10 ten-minute break. At 10:00 o'clock we will break 11 until 10:10 and so on throughout the day, but if you 12 need a break on top of that, let me know. We can 13 take a break any time. The only caveat is if I've 14 asked you a question, the question and then 15 we will take a break, okay? 16 A. Yes, understood. 17 Q. Okay. I want to talk to you a little bit 18 about the previous depositions that you have taken. 19 How many times, if you know, have you been deposed? 20 A. The only one that comes to mind was some 21 years back and it was in a -- I was a fact witness 22 in an employment case that involved the U.S. 23 Marshals Service when I was warden at Central 24 Arizona Detention Center. And that deposition was 25 taken actually at our attorney's firm there in</p>	<p style="text-align: right;">Page 9</p> <p>1 involved in this incident, and it had also the 2 plaintiff's expert witness statement and the 3 investigation report, and I reviewed the relevant 4 post orders that were in place at the time for both 5 Intake and for the housing unit along with the 6 review of the general orders. And that's what's 7 coming to mind right now. What was included was a 8 pretty substantial file. 9 Q. Have you reviewed any security footage 10 related to the incident? 11 A. I did, yes, the video of the incident. 12 Q. Anything else that comes to mind that you 13 have reviewed in preparation for your deposition or 14 your testimony? 15 A. I reviewed Mr. Peterson's transcript from 16 his deposition and Ms. Padilla's transcript from her 17 deposition. 18 Q. Okay. Have you reviewed Mr. Romero's 19 deposition transcript? 20 A. I have not. 21 Q. And have you formed opinions in this case? 22 A. Yes. 23 Q. And are those -- I'm going to share my 24 screen. If you can't see this at any time, let me 25 know. I'm going to share my screen and attach the</p>

<p style="text-align: right;">Page 10</p> <p>1 Defendant's Expert Disclosure Statement as Exhibit 1</p> <p>2 to your deposition.</p> <p>3 (Note: Exhibit 1 marked.)</p> <p>4 Q. Can you see that?</p> <p>5 A. I can.</p> <p>6 Q. Okay. Have you reviewed this document?</p> <p>7 A. I have.</p> <p>8 Q. Okay. And are the opinions that you hold</p> <p>9 in this case reflected in this document?</p> <p>10 A. They are.</p> <p>11 Q. Are there any opinions that you intend to</p> <p>12 testify about that aren't reflected in this</p> <p>13 document?</p> <p>14 A. No.</p> <p>15 Q. Okay. So I want to go through this</p> <p>16 statement with you piece by piece in just a minute</p> <p>17 and go through each of your opinions, but I want to</p> <p>18 get a little bit of a background from you. Some of</p> <p>19 this is contained in this report. I understand that</p> <p>20 you have been employed at CoreCivic for 19 years?</p> <p>21 A. That's correct, yes.</p> <p>22 Q. I'm going to stop sharing and go back to</p> <p>23 it so I can see you a little better. What was your</p> <p>24 first position within CoreCivic 19 years ago?</p> <p>25 A. Warden.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And how long were you the warden of that</p> <p>2 facility?</p> <p>3 A. From 2016 to 2019.</p> <p>4 Q. And in 2019 why did you leave that</p> <p>5 position?</p> <p>6 A. I was promoted to managing director, the</p> <p>7 position I'm currently in, in late 2019. I believe</p> <p>8 it was in November. And I have been in that</p> <p>9 position since with the company.</p> <p>10 Q. You've held the position of managing</p> <p>11 director just under three years?</p> <p>12 A. That would be correct, yes.</p> <p>13 Q. And before you worked for CoreCivic where</p> <p>14 were you working?</p> <p>15 A. I worked for the Texas Department of</p> <p>16 Criminal Justice prior. I began as a correctional</p> <p>17 officer, worked up through the ranks -- sergeant,</p> <p>18 lieutenant, captain, major, then warden.</p> <p>19 I was promoted to warden in 1994 of a</p> <p>20 500-bed state prison facility in Breckenridge,</p> <p>21 Texas. In 1995 I was promoted to a larger facility</p> <p>22 in Lubbock, Texas, the Monford facility. And in</p> <p>23 1998 I was again promoted to a maximum security</p> <p>24 state prison in Beaumont, Texas called the Stiles</p> <p>25 Unit.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Of which facility?</p> <p>2 A. Dawson State Jail in Dallas, Texas.</p> <p>3 Q. I'm sorry, say that one more time because</p> <p>4 it cut out.</p> <p>5 A. Sure. Dawson State Jail in Dallas, Texas.</p> <p>6 Q. And how long were you the warden of that</p> <p>7 facility?</p> <p>8 A. From 2003 until 2009.</p> <p>9 Q. Okay. Did you hold any other positions in</p> <p>10 that jail?</p> <p>11 A. No.</p> <p>12 Q. And why did you leave Dawson State Jail?</p> <p>13 A. I was asked to move by the company to</p> <p>14 become warden of Central Arizona Detention Center in</p> <p>15 Florence, Arizona in 2009.</p> <p>16 Q. Okay. How long were you the warden of</p> <p>17 that facility?</p> <p>18 A. From 2009 until 2016.</p> <p>19 Q. Any other positions held with that</p> <p>20 facility?</p> <p>21 A. No, ma'am.</p> <p>22 Q. And then after 2016, why did you leave</p> <p>23 that facility?</p> <p>24 A. I was asked to go to the La Palma</p> <p>25 Correctional Center in Eloy, Arizona as warden.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay.</p> <p>2 A. I left the state in 2000, went to work for</p> <p>3 MTC for a brief time as warden of Dawson State Jail.</p> <p>4 MTC is another company, private prison provider.</p> <p>5 Q. I just want to clarify, Management</p> <p>6 Training Corporation is the --</p> <p>7 A. That's correct, yes. Management Training</p> <p>8 Corporation is correct.</p> <p>9 Q. And you were warden of their facility for</p> <p>10 how long?</p> <p>11 A. For three years until I came to work for</p> <p>12 CoreCivic, at that time CCA.</p> <p>13 Q. Have you ever -- I'm sorry, repeat for me</p> <p>14 again, where did you work as a warden for MTC?</p> <p>15 A. At Dawson State Jail.</p> <p>16 Q. Okay.</p> <p>17 A. In Dallas.</p> <p>18 Q. So was that facility taken over by</p> <p>19 CoreCivic in 2003?</p> <p>20 A. It was. CoreCivic actually won the</p> <p>21 contract for that facility and hired me and left me</p> <p>22 there as warden.</p> <p>23 Q. Okay. And so for three years you worked</p> <p>24 for MTC. At that time CCA won the contract and kept</p> <p>25 you onboard as warden?</p>

4 (Pages 10 to 13)

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1 **Q. And what information did Ms. Padilla rely**
2 **upon in making her classification decision?**

3 A. To my understanding, what I just listed.

4 **Q. Sorry, what was it that you listed? I**
5 **thought that was a general statement but what did**
6 **she rely upon?**

7 A. She had the information, the booking
8 sheets and face sheets, she had the listings on that
9 and she had the interview with the party being
10 classified and then there was the availability of
11 newmexicocourts.gov.

12 **Q. Did she review the newmexicocourts**
13 **information?**

14 A. I believe so.

15 **Q. I don't remember her testifying to that so**
16 **let me just pull up her deposition. Give me just**
17 **one second.**

18 MR. LEE: I think what you are looking for
19 is Pages 58 and 59 where she testified that the
20 practice of Cibola was to look someone up on
21 nmcourts, and that was done every time.

22 MS. QUIJANO: I found that. I don't see
23 testimony that she actually did it.

24 **Q. Did you see testimony, Mr. Keeton, that**
25 **Ms. Padilla did actually look at nmcourts in**

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1 Mr. Romero's statements. Mr. Romero's statements
2 are an important part but not the whole picture. I
3 don't know how to answer that any differently.

4 **Q. I'm not asking what she had. But if her**
5 **classification decision was made only on reliance of**
6 **Mr. Romero's statements to her, would that have been**
7 **a violation of policy?**

8 MR. LEE: Object to form.

9 A. It would not have been according to
10 practice, policy and procedure, no.

11 **Q. And why is that?**

12 A. Because of the need to look at the
13 information available, the need to have a discussion
14 and ask the questions of the person being classified
15 and base the decision on the picture gained by the
16 whole process, not just one component or the other.

17 **Q. So safety and security of the institution**
18 **really relied on looking at the whole picture, not**
19 **just what the inmate gives them?**

20 A. Everyone relies on us doing the initial
21 classification consistently with the applicable
22 standard.

23 **Q. And in this case, of course, Mr. Romero**
24 **was housed with the co-defendant; is that right?**

25 A. Yes.

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1 **classifying Mr. Romero?**

2 A. I don't remember verbatim that being
3 stated. I just know that is part of the practice
4 that's done.

5 **Q. If she doesn't remember looking at**
6 **nmcourts specifically when classifying Mr. Romero,**
7 **would that have been a violation of policy?**

8 MR. LEE: Object to form.

9 A. It would have been a violation of the
10 process. If she does not recall, I can't answer for
11 her whether she did specifically in this case or
12 not.

13 **Q. But if she hadn't. If she testified or**
14 **testifies at trial she did not look at nmcourts or**
15 **doesn't know, if she failed to look at nmcourts**
16 **would that have been a violation of policy for**
17 **classification of inmates?**

18 MR. LEE: Object to form.

19 A. Yes.

20 **Q. And if she relied only on Mr. Romero's**
21 **reporting, would that have been up to the standards,**
22 **up to standard practice to only rely on Mr. Romero's**
23 **answers to the questionnaire?**

24 A. As I've stated several times, she had the
25 information available to her in conjunction with

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1 **Q. And that co-defendant wasn't identified by**
2 **Defendant Padilla during classification?**

3 A. Yes.

4 **Q. Yes, he was not identified?**

5 A. It's the way you asked the question,
6 ma'am.

7 **Q. I just want to clarify for the record. He**
8 **was not identified as a co-defendant of Mr. Romero,**
9 **Mr. Valencia was not?**

10 A. No.

11 **Q. Okay. Based on a review of the**
12 **information, was any co-defendant noted in**
13 **Mr. Valencia's file?**

14 A. I would like to look at the file. I
15 don't --

16 **Q. Have you reviewed Mr. Valencia's file?**

17 A. I have. I don't -- I'm not able -- I've
18 reviewed a lot of documents in the last, you know,
19 few hours, yesterday and today, so I don't remember
20 specifically the answer to that question. I'll be
21 happy to look and see.

22 **Q. Absolutely. I can pull that up. I'm just**
23 **trying to clarify what you reviewed. When is the**
24 **first time you reviewed Mr. Valencia's file?**

25 A. Yesterday.

22 (Pages 82 to 85)

<p style="text-align: right;">Page 86</p> <p>1 Q. Did you review his file prior to your</p> <p>2 attorney's disclosure of your expert statement and</p> <p>3 the testimony that you're expected to give?</p> <p>4 A. I discussed the particulars with the</p> <p>5 attorney, but no, I did not get a chance to review</p> <p>6 the files until yesterday.</p> <p>7 Q. Did you review any information prior to</p> <p>8 the disclosure of the expert statement by your</p> <p>9 attorney?</p> <p>10 A. No.</p> <p>11 Q. And so this statement that we're looking</p> <p>12 at in Exhibit 1, this is not based on your</p> <p>13 independent review of the information available?</p> <p>14 A. It is based on my review of the facts as</p> <p>15 described to me, and then subsequently after</p> <p>16 reviewing the information in the files that I have</p> <p>17 had a chance to review, my statement is my</p> <p>18 statement.</p> <p>19 Q. Okay. This statement, I just want to</p> <p>20 clarify, is based on the information provided to you</p> <p>21 by your attorney?</p> <p>22 A. Yes.</p> <p>23 Q. So you came to the conclusion that</p> <p>24 Defendant Padilla classified Mr. Romero</p> <p>25 appropriately prior to reviewing the classification</p>	<p style="text-align: right;">Page 88</p> <p>1 review it, I won't put it on the record or the</p> <p>2 screen and I'm not going to attach it as an exhibit</p> <p>3 to the deposition. Or we can take a quick break and</p> <p>4 you can review it. We can just stay on and be off</p> <p>5 the record. But I can either send it to you to</p> <p>6 review off camera while we have questions or we can</p> <p>7 go off record and just sit on the computer and let</p> <p>8 you review it to refresh your memory. What would</p> <p>9 you prefer? It's about 50 pages.</p> <p>10 THE WITNESS: Mr. Lee?</p> <p>11 MR. LEE: I think it would probably be</p> <p>12 best to take a short break and give Mr. Keeton a</p> <p>13 chance to look through that.</p> <p>14 MS. QUIJANO: I will e-mail it to you,</p> <p>15 Jacob, is that fine? Or do you want me to share the</p> <p>16 screen and go off the record?</p> <p>17 MR. LEE: Yeah, go ahead and E-mail it to</p> <p>18 me.</p> <p>19 MS. QUIJANO: Let's go off the record.</p> <p>20 (Note: The deposition stood in recess at</p> <p>21 11:35 to 11:47).</p> <p>22 Q (By Ms. Quijano) Back on the record. Now</p> <p>23 that you have reviewed Mr. Valencia's file, do you</p> <p>24 see a note that he had a co-defendant in this case?</p> <p>25 A. I do not.</p>
<p style="text-align: right;">Page 87</p> <p>1 information in her deposition?</p> <p>2 MR. LEE: Object to form.</p> <p>3 A. I came to the conclusions that I'm stating</p> <p>4 this morning, that she reviewed him appropriately</p> <p>5 per policy and standard through discussion and a</p> <p>6 review of the information as I had time to review</p> <p>7 it.</p> <p>8 Q. So I'm sorry for my question. Your</p> <p>9 opinion, as stated in the disclosure statement, that</p> <p>10 opinion is one you came to before reviewing any</p> <p>11 documents about the adequacy of the classification</p> <p>12 by Defendant Padilla?</p> <p>13 A. I did not get to review it all prior to</p> <p>14 the statement being prepared.</p> <p>15 Q. And the opinions that you hold as to the</p> <p>16 conduct of Defendant Peterson, you came to those</p> <p>17 conclusions as stated in the expert disclosure prior</p> <p>18 to reviewing any of the evidence yourself?</p> <p>19 MR. LEE: Object to form.</p> <p>20 A. Yes. Prior to having it all reviewed,</p> <p>21 yes.</p> <p>22 Q. I would like to give you an opportunity to</p> <p>23 review Mr. Valencia's file. This is labeled as</p> <p>24 "Confidential" and "Attorney's Eyes Only" so we have</p> <p>25 two options. One, I can send it to you and you can</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Is that something important for</p> <p>2 classification staff at CoreCivic to note in his</p> <p>3 file if there is a co-defendant?</p> <p>4 MR. LEE: Object to form.</p> <p>5 A. It would be important to note.</p> <p>6 Q. And in this case Mr. Romero was</p> <p>7 Mr. Valencia's co-defendant; is that right?</p> <p>8 A. That's what I've learned, yes.</p> <p>9 Q. And after Mr. Romero was booked into the</p> <p>10 CoreCivic facility in Cibola County, he was attacked</p> <p>11 by Mr. Valencia and other inmates?</p> <p>12 A. Yes.</p> <p>13 Q. And is that the kind of security risk</p> <p>14 that -- or one of the kinds of security risks that</p> <p>15 CoreCivic aims to avoid by understanding if there is</p> <p>16 a co-defendant in the case?</p> <p>17 MR. LEE: Object to form.</p> <p>18 A. That is what CoreCivic attempts to avoid,</p> <p>19 yes.</p> <p>20 Q. So knowing if someone has a co-defendant</p> <p>21 could avoid violence in the facility?</p> <p>22 MR. LEE: Object to form.</p> <p>23 A. Could.</p> <p>24 Q. In your review of Mr. Valencia's</p> <p>25 institutional file and other evidence in this case,</p>

<p style="text-align: right;">Page 138</p> <p>1 Do you remember that in his testimony?</p> <p>2 A. Yes.</p> <p>3 Q. Do you, in your experience, in your</p> <p>4 20-some years of experience in corrections,</p> <p>5 recognize certain formations or congregations by</p> <p>6 inmates to be an indication that something is going</p> <p>7 to happen, that there is a security concern in</p> <p>8 regards to an inmate?</p> <p>9 A. Yes.</p> <p>10 MR. LEE: Object to form.</p> <p>11 Q. So if someone in Unit Control or the pod</p> <p>12 officer saw inmates congregating in that way, should</p> <p>13 they have intervened to ensure the security of the</p> <p>14 pod?</p> <p>15 MR. LEE: Object to form.</p> <p>16 A. If they determined that there was a</p> <p>17 congregation that was a concern, yes, they should</p> <p>18 have investigated.</p> <p>19 Q. And if they failed to investigate that</p> <p>20 after seeing something that was concerning, a</p> <p>21 concerning congregation by inmates, that would have</p> <p>22 been a violation of the policy and standards?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Are you being compensated in any</p> <p>25 way additional to your salary by CoreCivic for your</p>	<p style="text-align: right;">Page 140</p> <p>1 disclosure statement being submitted by the</p> <p>2 defendants?</p> <p>3 A. I don't think so.</p> <p>4 Q. Do you know Shannon McReynolds at all from</p> <p>5 your work in corrections in New Mexico?</p> <p>6 A. No.</p> <p>7 Q. Do you have any opinion on his expertise</p> <p>8 in this field?</p> <p>9 A. No.</p> <p>10 Q. Are there any parts of Mr. McReynolds'</p> <p>11 opinion that you agree with?</p> <p>12 A. No.</p> <p>13 Q. Do you agree with his assessment of what</p> <p>14 the ACA standards state?</p> <p>15 A. I don't agree --</p> <p>16 MR. LEE: Object to form.</p> <p>17 A. No. I don't agree with his application of</p> <p>18 the standards and some of the claims made about our</p> <p>19 failure in this situation to be in compliance with</p> <p>20 those standards.</p> <p>21 Q. Sorry, my question is a little more</p> <p>22 specific. Do you agree with what he in his reports</p> <p>23 states the standards state?</p> <p>24 A. I don't disagree with the standards. I do</p> <p>25 not disagree with the standards, no.</p>
<p style="text-align: right;">Page 139</p> <p>1 testimony in this case?</p> <p>2 A. No.</p> <p>3 Q. Is there anything that is contained in the</p> <p>4 expert disclosure statement provided by the</p> <p>5 defendant or anything outside of what we talked</p> <p>6 about today and what's in the disclosure statement</p> <p>7 that you plan to testify to at trial?</p> <p>8 A. No.</p> <p>9 Q. I want to take just about ten minutes to</p> <p>10 review my notes. I don't believe that I have any</p> <p>11 other questions. I want to make sure I asked</p> <p>12 everything I need to ask today, so let's take a</p> <p>13 ten-minute break and come back at 1:27.</p> <p>14 (Note: The deposition stood in recess at</p> <p>15 1:18 to 1:28).</p> <p>16 Q. (By Ms. Quijano) I just have a few more</p> <p>17 questions. You testified earlier that you reviewed</p> <p>18 the plaintiff's expert's report?</p> <p>19 A. Yes.</p> <p>20 Q. When did you review that?</p> <p>21 A. I reviewed it again yesterday.</p> <p>22 Q. When was the first time you reviewed it?</p> <p>23 A. I believe I got that one in advance of</p> <p>24 some of the other documents to review.</p> <p>25 Q. Did you review that in advance of the</p>	<p style="text-align: right;">Page 141</p> <p>1 Q. Do you agree he accurately relayed what</p> <p>2 the standards state, what the actual standards are</p> <p>3 in his report?</p> <p>4 A. Yes.</p> <p>5 MR. LEE: Object to form.</p> <p>6 Q. I do not have any further questions. I</p> <p>7 appreciate your time. I pass the witness.</p> <p>8 EXAMINATION</p> <p>9 BY MR. LEE</p> <p>10 Q. I have just a few follow-ups. Mr. Keeton,</p> <p>11 you have been asked earlier about the timeline when</p> <p>12 you reviewed documents in relation to the disclosure</p> <p>13 statement. I just want to clarify. Did you feel</p> <p>14 like you had an understanding of the facts of the</p> <p>15 case at the time you reviewed the disclosure</p> <p>16 statement before it was served?</p> <p>17 A. Yes.</p> <p>18 Q. And you did review the disclosure</p> <p>19 statement and confirm that those were opinions that</p> <p>20 you held?</p> <p>21 A. Yes.</p> <p>22 Q. And was that based on your understanding</p> <p>23 of the facts at that time?</p> <p>24 A. Yes.</p> <p>25 Q. Since that disclosure statement came out,</p>

<p style="text-align: right;">Page 142</p> <p>1 have you had a chance to review in detail the</p> <p>2 underlying documents about the incident?</p> <p>3 A. Yes.</p> <p>4 Q. Did that review change any of the opinions</p> <p>5 that are stated in that disclosure statement?</p> <p>6 A. No.</p> <p>7 (Note: Exhibit 5 marked.)</p> <p>8 Q. I'm going to share my screen with you</p> <p>9 briefly when I get the right document. So you</p> <p>10 should have up in front of you Rudy Valencia's ICAS</p> <p>11 form dated September 24, 2017. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And you were asked a question just for the</p> <p>14 record from Bates No. CoreCivic_Romero 1404 and</p> <p>15 1405. You were asked a question about this</p> <p>16 "unassigned" here at the top for his most serious</p> <p>17 current charge or offense, and you agreed before</p> <p>18 that that ideally should have been filled in with a</p> <p>19 statement of what his most serious current charge</p> <p>20 was, correct?</p> <p>21 A. Yes.</p> <p>22 MS. QUIJANO: Objection to form.</p> <p>23 Q. Was Mr. Valencia, even though that was</p> <p>24 left unsigned, was he given a score for severity of</p> <p>25 current offense?</p>	<p style="text-align: right;">Page 144</p> <p>1 score of 12 mean that he should be housed in high</p> <p>2 custody?</p> <p>3 A. Yes.</p> <p>4 Q. If you look down here, he received a total</p> <p>5 custody score that was actually higher; is that</p> <p>6 right?</p> <p>7 A. Yes.</p> <p>8 Q. At a score of 14 for his total custody</p> <p>9 score, what custody level should Mr. Valencia have</p> <p>10 been classified as?</p> <p>11 A. High.</p> <p>12 Q. And was he classified as high?</p> <p>13 A. Yes.</p> <p>14 Q. You also got some questions about the</p> <p>15 population assignment not being filled in, and I</p> <p>16 believe you testified that that's technically a</p> <p>17 policy violation because that should have been</p> <p>18 filled in; is that right?</p> <p>19 MS. QUIJANO: Form.</p> <p>20 A. Yes.</p> <p>21 Q. And similarly, with regard to the custody</p> <p>22 level, is that a technical violation in that that</p> <p>23 should have been filled in?</p> <p>24 A. Yes, the form should have been completed</p> <p>25 there.</p>
<p style="text-align: right;">Page 143</p> <p>1 A. Yes.</p> <p>2 Q. What was that score?</p> <p>3 A. A 7.</p> <p>4 Q. Are you aware of any information that</p> <p>5 suggests that 7 is an improper score for that</p> <p>6 category?</p> <p>7 A. No.</p> <p>8 Q. And in the Section 2D, History of</p> <p>9 Institutional Violence, was Mr. Valencia given a</p> <p>10 score in that category?</p> <p>11 A. Yes.</p> <p>12 Q. What was that score?</p> <p>13 A. 5.</p> <p>14 Q. Meaning that he had some prior behavior</p> <p>15 not involving a weapon or resulting in serious</p> <p>16 injury, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Have you seen any information that would</p> <p>19 suggest that that score is not correct?</p> <p>20 A. No.</p> <p>21 Q. What was the subtotal score -- what was</p> <p>22 his total high-custody score based on this</p> <p>23 evaluation?</p> <p>24 A. 12.</p> <p>25 Q. And so under the scoring system, does a</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. To your knowledge and understanding, where</p> <p>2 was Mr. Valencia housed at the time of the subject</p> <p>3 incident?</p> <p>4 A. In high custody.</p> <p>5 Q. Was he housed appropriately according to</p> <p>6 his computed custody level?</p> <p>7 A. Yes.</p> <p>8 Q. So do you see anything to suggest that</p> <p>9 these technical policy violations resulted in</p> <p>10 Mr. Valencia being housed somewhere he should not</p> <p>11 have been?</p> <p>12 A. No.</p> <p>13 Q. You also got some questions about this</p> <p>14 Final Population Assignment and Custody Level. Do</p> <p>15 you see that area down here at the bottom?</p> <p>16 A. Yes.</p> <p>17 Q. When is that area supposed to be filled</p> <p>18 in? Under what circumstances?</p> <p>19 A. Only in case of an override, and that is</p> <p>20 the final determination that was made after an</p> <p>21 override has been recommended.</p> <p>22 Q. So you had discussed with plaintiff's</p> <p>23 counsel earlier what those non-discretionary and</p> <p>24 discretionary override factors are, correct?</p> <p>25 A. Yes.</p>